

STIP

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RENATO CONSUEGRA-CLEMENTE,
Aka "Tito," and FRANCISCO JAIVER
MARES, Aka "Pancho,"

Defendants.

Case No: 2:20-CR-00018-JCM-EJY

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL DATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Allison Reese, Assistant United States Attorney, counsel for the United States of America, Adam Gill, Esq. of Aisen, Gill & Associates, counsel for Defendant FRANCISCO MARES, and Rene L. Valladares, Federal Public Defender, and Paul D. Riddle, Assistant Federal Public Defender, counsel for Defendant RENATO CONSUEGRA-CLEMENTE, that the trial currently set for January 4, 2021 at 9:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

This stipulation is entered for the following reasons:

1. Per the Third Amended General Order 2020-03 filed, no trials are being held in the United States District Court for the District of Nevada at this time.
2. In addition, counsel for the defendants need additional time to review discovery and otherwise prepare for trial in this matter.

3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow counsel for defendants sufficient time within which to be able to effectively and completely investigate the discovery materials provided.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requests by this Stipulation is excludable in putting the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).
8. This is the third request to continue trial dates filed herein.

DATED this 1st day of December, 2020.

/s/ Adam L. Gill

Adam L. Gill, Esq.
Counsel for Defendant
Francisco Mares

/s/ Allison Reese

Allison Reese, Esq.
Attorney for the United States
Assistant United States Attorney

/s/ Paul D. Riddle

Assistant Federal Public Defender
Counsel for Defendant
Renato Consuegra-Clemente

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ORDER

FINDINGS OF FACT

Based on the stipulation of Counsel, and good cause appearing, the Court finds that:

1. Per the Third Amended General Order 2020-03 filed, no trials are being held in the United States District Court for the District of Nevada at this time.
2. In addition, counsel for the defendants need additional time to review discovery and otherwise prepare for trial in this matter.
3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow counsel for defendants sufficient time within which to be able to effectively and

1 completely investigate the discovery materials provided.

2 7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

3 The additional time requests by this Stipulation is excludable in putting the time within
4 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
5 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States
6 Code, Section 3161(h)(7)(B)(i), (iv).

7
8 **CONCLUSIONS OF LAW**

9 The ends of justice served by granting said continuance outweigh the best interest of the
10 public and the defendants in a speedy trial, since the failure to grant said continuance would be
11 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
12 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
13 account the exercise of due diligence.

14 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
16 Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(i), (iv).

17
18 **ORDER**

19 IT IS THEREFORE ORDERED that the calendar call currently scheduled for December
20 30, 2020, at the hour of 1:30 p.m., be vacated and continued to June 16, 2021 at the hour of
21 1:30 p.m., and the trial currently scheduled for January 4, 2021, at the hour of 9:00 a.m., be
22 vacated and continued to June 21, 2021 at the hour of 9:00 a.m.

23
24 Dated December 2, 2020.

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UNITED STATES DISTRICT JUDGE